

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS MORINVILLE,

Plaintiff,

9:24-CV-0531
(GTS/ML)

v.

UPSTATE CORRECTION FACILITY RRU, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

CARLOS MORINVILLE

Plaintiff, pro se

22-A-0163

Clinton Correctional Facility

P.O. Box 2001

Dannemora, NY 12929

GLENN T. SUDDABY

United States District Judge

ORDER

In April 2024, plaintiff pro se Carlos Morinville ("plaintiff") commenced this civil rights action. Dkt. No. 1. Plaintiff, who was confined at Upstate Correctional Facility ("Upstate C.F.") at the time he filed this action, did not pay the filing fee for this action and sought leave to proceed in forma pauperis ("IFP"). Dkt. No. 13. By Decision and Order filed on August 30, 2024 (the "August 2024 Order"), the Court granted plaintiff's IFP application and reviewed the sufficiency of the complaint in accordance with 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b). Dkt. No. 20. The Court found that the complaint failed to state a claim and dismissed all claims, without prejudice. *See id.* In light of plaintiff's pro se status, he was afforded an opportunity to file an amended complaint. *See id.*

On September 6, 2024, plaintiff filed a Notice of Change of Address indicating his new address as Clinton Correctional Facility. Dkt. No. 22. On November 12, 2024, after plaintiff failed to comply with the directives in the August 2024 Order, the Court, sua sponte, provided plaintiff with a final opportunity to comply with the August 2024 Order. Dkt. No. 23. Plaintiff was advised that if he failed, "to timely file an amended complaint as directed, the Clerk shall enter judgment indicating that the action is DISMISSED without prejudice without further order of this Court pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted and for failure to comply with this Decision and Order." *Id.* (emphasis in original).

On December 2, 2024, plaintiff filed a submission with the Court. Dkt. No. 24. In a Decision and Order filed on December 23, 2024 (the "December 2024 Order"), the Court advised plaintiff that the submission would not be accepted as an amended complaint. Dkt. No. 25. The Court noted that the submission did not include a caption, a list of parties, any cause of action, or any request for relief. *Id.* In light of plaintiff's pro se status, he was afforded sixty days to submit a pleading that complied with the Court's Local Rules of Practice. *Id.* The December 2024 Order was mailed to plaintiff at his address of record, Clinton Correctional Facility. *See id.*

After receiving no response or any communication from plaintiff, the Court conducted a search of the Inmate Information Database maintained by the New York State Department of Corrections and Community Supervision ("DOCCS"), using plaintiff's Department ID Number (22-A-0163). The search revealed that the plaintiff is still housed at Clinton Correctional Facility. *See* <https://nysdoccslookup.doccs.ny.gov/> (last visited Mar. 18, 2025).

As of the date of this Decision and Order, plaintiff has not complied with the Court's Orders, nor has he communicated with the Court in any manner regarding this action.¹

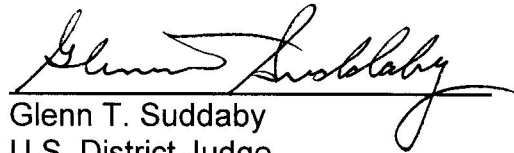
WHEREFORE, it is hereby

ORDERED that this action is **DISMISSED** without leave to replead due to plaintiff's failure to comply with the August 2024 Order and December 2024 Order and the Clerk is directed to enter judgment accordingly; and it is further

ORDERED that the Clerk serve a copy of this Decision and Order on plaintiff at his address of record.

IT IS SO ORDERED.

Dated: March 25, 2025


Glenn T. Suddaby
U.S. District Judge

¹ As further evidence that plaintiff has abandoned this action, the Court notes that in another action pending in this District, plaintiff has been actively filing submissions since December 2024. See *Morinville v. Dukes, et al.*, No. 9:24-CV-0426 (N.D.N.Y. filed Mar. 27, 2024).